

DOCUMENT RESUME

03795 - [E2794043]

[Reconsideration of Denied Claim for Travel Expenses]. B-187198.
October 3, 1977. 4 pp. + enclosure (1 pp.).

Decision re: Gary M. Churchill; by Robert F. Keller, Acting
Comptroller General.

Issue Area: Personnel Management and Compensation (300).
Contact: Office of the General Counsel: Civilian Personnel.
Budget Function: General Government: Central Personnel
Management (805).
Organization Concerned: National Aeronautics and Space
Administration.

Authority: 5 U.S.C. 5702(b). 47 Comp. Gen. 59. B-172048 (1967).
B-187198 (1977). F.T.R. (FPMR 101-7), para. 1-2.4. F.T.R.
(FPMR 101-7), para. 1-7 5b(4).

A reconsideration request alleged that the original request for reimbursement of travel expenses contained errors in the chronology of events. The claimant returned from a temporary duty station because his wife became seriously ill and his supervisor determined that the claimant was unable to concentrate. The original decision was reversed. (SS)

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DECISION



Peter L. Connelley
of
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-187198

DATE: October 3, 1977

MATTER OF: Gary B. Churchill - Travel Expenses - Reconsideration

DIGEST: Employee was notified of sudden serious illness of his wife upon his arrival at temporary duty station. His supervisor determined that employee was incapacitated for the performance of duty by his illness and ordered employee to return to headquarters. In such circumstances, claim for return trip travel expenses may be paid. Matter of Gary B. Churchill, B-187198, April 18, 1977, is reversed.

This action is in response to a letter of June 24, 1977, from Mr. Gary B. Churchill, an employee of the National Aeronautics and Space Administration (NASA), requesting reconsideration of our decision Matter of Gary B. Churchill, B-187198, April 18, 1977, which disallowed his claim for travel expenses incurred in connection with a temporary duty assignment. Mr. Churchill alleges that the certifying officer's request for a decision contained errors in the chronology of events. He, therefore, feels that our decision was not a proper judgment on his claim and should be reversed.

According to Mr. Churchill's letter, the complete and accurate chronology is as follows. He left his permanent duty station at NASA's Ames Research Center, Moffett Field, California, on May 4, 1976, and traveled by air to the Dallas/Fort Worth Airport to coordinate tests at Bell Helicopter Textron, Dallas, Texas. When he arrived at the airport, Mr. Churchill was paged over the public address system and instructed to call the project resident office in Dallas. He was advised by the resident office that an emergency existed concerning his wife and to call the Good Samaritan Hospital in San Jose, California, for further information. The doctor at the hospital advised Mr. Churchill that his wife had suffered a respiratory arrest and was in the intensive care unit, and that it was not known whether she would live or, if she did live, whether she would suffer significant brain damage. The doctor added that he would not know anything more until that evening.

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After conferring with the doctor, Mr. Churchill called the resident office to advise them that he would be arriving after renting a car. He then proceeded to a car rental agency and completed a rental contract. Mr. Churchill states that he believed he would be able to complete all essential business that afternoon and return to San Jose on the 6 p.m. flight. He does not think he was entirely rational at that point. At the car rental agency, he was again contacted by the resident office and was ordered to return to his permanent duty station because his condition was such that he was not capable of performing his official duties. The agency placed the employee on sick leave on the afternoon of May 4.

Mr. Churchill's letter concludes by requesting that the Comptroller General approve payment of his travel voucher based on the complete chronology. The letter is also signed by the Assistant Division Chief and the Chief Aerospace Engineer showing their concurrence in its contents.

The general rule is that an employee who interrupts or abandons official travel or a temporary duty assignment because of the death or illness of a member of his family may be reimbursed only the cost of the travel to the point of interruption or abandonment. See 47 Comp. Gen. 59, 60 (1967). An exception may be made in cases where the employee has substantially completed the purpose of the travel or where the duties he was to perform are completed at no additional expense to the Government. B-172048, March 29, 1971. Based upon the record in the present case it is clear that Mr. Churchill did not substantially complete his duties and, accordingly, does not fall within this exception to the general rule.

Mr. Churchill contends that he did not abandon his temporary duty assignment for personal reasons. He argues that, as a result of hearing of his wife's emergency condition, he suffered a traumatic experience which, in effect, incapacitated him so that he was unable to conduct the Government's business properly. Mr. Churchill states that his supervisor ordered him home when he realized that Mr. Churchill was unable to perform his official duties due to his highly emotional state. Furthermore, he contends that he was fully prepared to remain at the temporary duty location to complete his assignment, and that it was his "illness" which caused his inability to perform. He cites the fact that he

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had completed a car rental contract after hearing the news about his wife as evidence that he was prepared to continue with his temporary duty assignment. He also states that his supervisor granted him sick leave and that the supervisor may only do so when he finds that an employee is incapacitated for duty.

Mr. Churchill's argument in essence is that he did not return to his permanent duty station for personal reasons, but was ordered to return by his supervisor "in the best interests of the Government." In his letter of June 24, 1977, Mr. Churchill stated his case in pertinent part as follows:

"The purpose of my trip was to participate in Integrated Systems Test Planning for the XV-15 Program. This was a critical point in the program, and there was considerable controversy between the Contractor and the Government as to how the tests should be conducted. It was of prime importance that all participants in the planned meeting be fully capable and performing well. It was obvious to my supervisor that this was not true in my case, and therefore my return was ordered, since my highly emotional state in a somewhat volatile meeting environment could seriously compromise the Government's position.

"Based on the above, the early return may be considered from two bases:

- "1. The traumatic experience incapacitated me for duty, justifying payment of the return trip fare. * * *
- "2. The early return was for official purposes, in that my condition was such that my presence would compromise the Government's position in conducting its business, and, in the best interests of the Government, I should be sent home."


We have carefully reviewed the facts involved in Mr. Churchill's case and our previous decisions in this area. We believe that the rule that expenses of return travel cannot properly be reimbursed

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in cases where the abandonment of the temporary assignment and the necessity of the return travel are primarily for personal reasons is proper. Accordingly, we herein affirm the rule.

However, the above rule is not for application in cases where the employee's supervisor or other appropriate agency official determines that the employee is incapacitated due to illness while en route to or at his temporary duty station prior to completion of his temporary duty assignment. In such cases the employee may be authorized return travel to his permanent duty station. See 5 U.S.C. § 5702(b) and Federal Travel Regulations, paragraphs 1-2.4 and 1-7.5b(4). Based upon the additional information furnished to our Office, it appears those conditions have been satisfied in this case.

Accordingly, upon reconsideration, our decision B-187198, April 18, 1977, is reversed, and the claim of Mr. Gary B. Churchill for return trip travel expenses may properly be paid.


Acting Comptroller General
of the United States



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

Peter L. Larnacelli
ap

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October 3, 1977

The Honorable Norman Y. Mineta
Member, United States
House of Representatives
Suite 310
1245 South Winchester Boulevard
San Jose, California 95128

Dear Mr. Mineta:

Further reference is made to your letter dated June 27, 1977, on behalf of Mr. Gary B. Churchill, an employee of the National Aeronautics and Space Administration, who was billed for travel expenses after the termination of his temporary assignment in Texas.

We have reconsidered our decision in Matter of Gary B. Churchill, B-187198, April 18, 1977, which held that Mr. Churchill was not entitled to return transportation from his temporary assignment to his headquarters after he had been advised of the serious illness of his wife. By decision of today, copy enclosed, we have reversed our prior decision on the basis of the additional information submitted and determined that Mr. Churchill's claim for travel expenses may properly be paid.

Sincerely yours,

Acting

[Signature]
Comptroller General
of the United States

Enclosure